

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1634.
JFW

Applicant: ADAMS ET AL. Examiner: S. SAKELARIS
Serial No.: 09/888,358 Group Art Unit: 1634
Filed: JUNE 22, 2001 Docket: 11669.187USU2
Confirmation No.: 8903 Customer No.: 23552
Title: CGI-69 COMPOSITIONS AND METHODS OF USE

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 3, 2004.

By: Sheryl A. Boerboom
Name: Sheryl A. Boerboom

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Supplemental Information Disclosure Statement, Form 1449, 2 References, Copy of International Search Report
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: Katherine M. Kowalchyk
Name: Katherine M. Kowalchyk
Reg. No.: 36,848
KKowalchyk:sab



S/N 09/888,358

PATENT

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(c))

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. At least some of the references were recently cited in an International Search Report mailed November 4, 2004. At least some of the references were recently cited in an International Search Report mailed November 4, 2004.

This statement should be considered because it is submitted after the mailing date of a first Office Action on-the-merits or a first Office Action after filing a Request for Continued Examination under 37 C.F.R. § 1.114 or a CPA under 37 C.F.R. § 1.53(d), but before the mailing date of: i) a final action under 37 C.F.R. § 1.113; ii) a Notice of Allowance under 37 C.F.R. § 1.311; or iii) an action that otherwise closes prosecution on the application. No fee is due as this statement is submitted as certified below under 37 C.F.R. § 1.97(e)(1) or (2) by the undersigned.

Certification Under 37 C.F.R. §1.97(e)(1)

In accordance with 37 C.F.R. §1.97(c) or §1.97(d), the undersigned hereby certifies that each item of information listed on the enclosed Form 1449 was first cited in a communication from a foreign patent office in a counterpart foreign application within three months of filing this statement.

Certification Under 37 C.F.R. § 1.704(d)

In accordance with 37 C.F.R. § 1.704(d), the undersigned hereby certifies that each item listed on the enclosed Form 1449 was cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty (30) days prior to the filing of this Information Disclosure Statement. Accordingly, no patent term adjustment is due for the filing of this Information Disclosure Statement.

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided. Enclosed for the Examiner's information is a copy of the International Search Report. Applicant(s) note(s) the following references were also listed in the search report and were previously cited to the Examiner:

1. WO 99/64458;
2. Das et al., "Predominant expression of the mitochondrial dicarboxylate carrier in white adipose tissue", *Biochem. J.*, 344:313-320 (1999);
3. Huizing et al., "Human Mitochondrial Transmembrane Metabolite Carriers: Tissue Distribution and Its Implication for Mitochondrial Disorders", *Journal of Bioenergetics and Biomembranes*, 30(3):277-284 (1998);
4. Jezek et al., "Fatty acid cycling mechanism and mitochondrial uncoupling proteins", *Biochimica et Biophysica Acta*, 1365:319-327 (1998);
5. Vidal-Puig et al., "Energy Metabolism in Uncoupling Protein 3 Gene Knockout Mice", *The Journal of Biological Chemistry*, 275(21):16258-16266 (2000);
6. Walker et al., "The Mitochondrial Transport Protein Superfamily", *Journal of Bioenergetics and Biomembranes*, 25(5):435-446 (1993);

7. Yu et al., "Overexpression of the human 2-oxoglutarate carrier lowers mitochondrial membrane potential in HE-293 cells: contrast with the unique cold-induced mitochondrial carrier CGI-69", *Biochem. J.*, 353:369-375 (2001);
8. Zhang et al., "Assessment of uncoupling activity of uncoupling protein 3 using a yeast heterologous expression system", *FEBS Letters*, 449:129-134 (1999).

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

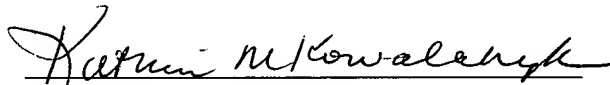
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

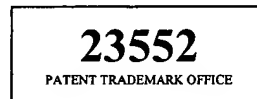
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: December 3, 2004


Katherine M. Kowalchyk
Reg. No. 36,848



FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 11669.187USU2	Application Number: 09/888,358
	Applicant: ADAMS ET AL.	
	Filing Date: 06/22/2001	Group Art Unit: 1634

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
		Scholz et al., "Ontogeny of malate-aspartate shuttle capacity and gene expression in cardiac mitochondria", <i>Am. J. Physiol.</i> , 274 (Cell Physiol. 43): C780-C788 (1998)
		Yu et al., "Homo sapiens clone 24408 2-oxoglutarate carrier protein mRNA, complete cds", Database Accession No. AF070548 (December 5, 1999)
		Copy of European Search Report, dated November 23, 2004

23552
PATENT TRADEMARK OFFICE

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	